

House Bill 4121

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary for Representative Jason Kropf)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act makes new laws about marijuana and hemp and changes some laws about marijuana and hemp. (Flesch Readability Score: 60.1).

Directs the Oregon Liquor and Cannabis Commission, in consultation with the State Department of Agriculture, to create a map of locations of premises licensed to produce marijuana or industrial hemp. Allows law enforcement agencies to accompany the department to industrial hemp operations throughout the state for specified purposes.

Directs the commission to establish a registration system for industrial hemp products that contain cannabinoids and are intended for human or animal consumption or use. Establishes a civil penalty not to exceed \$10,000 for each violation. Becomes operative January 1, 2026.

Establishes a per capita requirement for the issuance of marijuana licenses. Becomes operative January 1, 2025.

Directs the commission to establish uniform standards for minor decoy operations to investigate sales of adult use cannabis items to minors. Becomes operative January 1, 2025.

Directs the commission to adopt rules to issue a temporary permit to a qualified individual to perform work for or on behalf of a marijuana licensee or laboratory.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

Relating to cannabis; creating new provisions; amending ORS 475C.049, 475C.117, 475C.197, 475C.209, 475C.265, 475C.269, 475C.273, 475C.742, 475C.746 and 571.309 and section 2, chapter 108, Oregon Laws 2022; repealing ORS 571.312; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

ENFORCEMENT

SECTION 1. (1) As used in this section:

(a) **“Industrial hemp”** has the meaning given that term in ORS 571.269.

(b) **“Marijuana”** has the meaning given that term in ORS 475C.009.

(2) The Oregon Liquor and Cannabis Commission shall, with the assistance of the State Department of Agriculture, create and continually update a map of the following:

(a) **Premises for which a license has been issued under ORS 475C.065; and**

(b) **The locations of industrial hemp operations licensed under ORS 571.281.**

(3) The commission shall make the map described in subsection (2) of this section available to law enforcement agencies in this state and public employees and officials who are responsible for the enforcement of state and local laws regulating industrial hemp or marijuana.

SECTION 2. (1) As used in this section:

(a) **“Industrial hemp”** has the meaning given that term in ORS 571.269.

(b) **“Marijuana”** has the meaning given that term in ORS 475C.009.

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (2) The Oregon Liquor and Cannabis Commission, in consultation with the State Depart-
2 ment of Agriculture, shall develop by rule a methodology to distinguish whether a cannabis
3 plant is marijuana or industrial hemp for purposes of sections 1, 4, 5 and 6 of this 2024 Act.
4 The methodology must include testing criteria and cannabinoid concentrations above which
5 immature or mature cannabis plants are presumptively considered to be marijuana.

6 (3) The department may order a person licensed under ORS 571.281 to destroy any
7 cannabis plants located at an industrial hemp operation for which the person is responsible
8 if the cannabis plants are presumptively considered to be marijuana under the methodology
9 developed pursuant to subsection (2) of this section.

10 **SECTION 3.** Sections 4 to 6 of this 2024 Act are added to and made a part of ORS 571.260
11 to 571.348.

12 **SECTION 4.** (1) The State Department of Agriculture may enter into an interagency
13 agreement with the Oregon Liquor and Cannabis Commission to allow representatives of the
14 commission to carry out inspections of industrial hemp crops under ORS 571.281 (7)
15 throughout this state.

16 (2) The department and the commission may adopt rules to carry out this section.

17 **SECTION 5.** The State Department of Agriculture shall adopt rules to allow:

18 (1) Law enforcement officers to accompany representatives of the department to an in-
19 dustrial hemp operation for the purposes of providing protection to the department's repre-
20 sentatives; and

21 (2) Public employees and officials who are responsible for the enforcement of state and
22 local laws to accompany representatives of the department to an industrial hemp operations
23 in order to carry out inspections that the public employees or officials are authorized to
24 perform.

25 **SECTION 6.** The Governor may order that the Oregon National Guard provide assistance
26 and support to the State Department of Agriculture and law enforcement in carrying out
27 inspections of industrial hemp crops under ORS 571.281 (7) and other duties of the depart-
28 ment related to the enforcement of ORS 571.260 to 571.348.

29
30 **INDUSTRIAL HEMP PRODUCT REGISTRATION**

31
32 **SECTION 7.** Sections 8 to 11 of this 2024 Act are added to and made a part of ORS 571.260
33 to 571.348.

34 **SECTION 8.** (1) As used in this section and sections 9 and 10 of this 2024 Act,
35 "cannabinoid" means any of the chemical compounds that are the active constituents derived
36 from industrial hemp.

37 (2)(a) The Oregon Liquor and Cannabis Commission shall establish a registration program
38 for industrial hemp products that contain cannabinoids and are intended for human or ani-
39 mal consumption or use. An industrial hemp product described in this paragraph is not
40 subject to the requirements of this section unless the industrial hemp product is in its final
41 form and ready for sale, transfer or delivery to a consumer in this state.

42 (b) A person that is located within or outside this state and that, as determined by the
43 commission by rule, is responsible for the manufacture, packaging or distribution of an in-
44 dustrial hemp product described in paragraph (a) of this subsection shall, prior to selling,
45 transferring or delivering the industrial hemp product directly to a consumer in this state

1 or selling, transferring or delivering the industrial hemp product to a retailer in this state
2 for the purpose of sale to a consumer in this state:

3 (A) Annually submit the information described in subsection (3) of this section to the
4 commission in a manner specified by the commission by rule;

5 (B) Include on the industrial hemp product a label that contains the information de-
6 scribed in subsection (4) of this section; and

7 (C) Pay an annual registration fee established by the commission by rule.

8 (3) A person described in subsection (2) of this section shall submit to the commission
9 the following information about an industrial hemp product that contains cannabinoids and
10 is intended for human or animal consumption or use:

11 (a) The name and type of the product;

12 (b) The name and physical address of the manufacturer of the product;

13 (c) The mailing address of the manufacturer of the product;

14 (d) A certificate of analysis for a batch of the product;

15 (e) A copy of the label for the product;

16 (f) A statement about whether the product is an adult use cannabis item; and

17 (g) Any other information required by the commission by rule.

18 (4) A person described in subsection (2) of this section shall label an industrial hemp
19 product that contains cannabinoids and is intended for human or animal consumption or use
20 with a label that contains the following information:

21 (a) The name and type of the product;

22 (b) The name and physical address of the manufacturer of the product;

23 (c) The ingredients of the product;

24 (d) The net weight or volume of the product;

25 (e) The serving size and number of servings contained in a package of the product;

26 (f) The potency of the product and a list of the cannabinoid contents of the product;

27 (g) The address of a publicly accessible website that contains the certificate of analysis
28 for the product;

29 (h) Health and safety warnings required by law or rule;

30 (i) If the product is an adult use cannabis item, the following language:

31 (A) "For use only by adults 21 and older."; and

32 (B) "Keep out of reach of children.";

33 (j) If the product is a food product, any other information required by law or rule for food
34 products; and

35 (k) Any other information required by the commission by rule.

36 (5) In adopting rules under subsection (4) of this section, the commission:

37 (a) May establish different labeling standards for different types of industrial hemp pro-
38 ducts that contain cannabinoids and are intended for human or animal consumption or use,
39 and may consider existing product quality requirements or standards applicable to different
40 types of products; and

41 (b) May not adopt rules that are more restrictive than is reasonably necessary to protect
42 the public health and safety.

43 (6) If an industrial hemp product is intended only for human consumption or use, the
44 person described in subsection (2) of this section shall comply with the requirements of ORS
45 571.337 and 571.339.

1 (7) The fee collected under this section may not exceed the cost of administering this
2 section.

3 (8) A person is not required to submit to the commission the information described in
4 subsection (3) of this section for an industrial hemp product that contains cannabinoids and
5 is intended for human or animal consumption or use if another person has submitted the
6 information for the product and the product continues to be consistent with the previously
7 submitted information.

8 (9) The commission may refuse to register an industrial hemp product that contains
9 cannabinoids and is intended for human or animal consumption or use if, based on the in-
10 formation described in subsection (3) or (4) of this section, the sale of the product to a con-
11 sumer is prohibited by section 9 of this 2024 Act or by the commission by rule.

12 (10) This section does not apply to an industrial hemp product that:

13 (a) Does not contain cannabinoids;

14 (b) Is intended only for topical use;

15 (c) Is an industrial hemp grain or fiber product that does not contain added cannabinoids;

16 (d) Is a commercial feed product for animals registered under ORS 633.006 to 633.089; or

17 (e) Is transported through this state en route to a final destination in another state.

18 **SECTION 9.** A person may not sell, transfer or deliver to a consumer in this state an
19 industrial hemp product that contains cannabinoids and is intended for human or animal
20 consumption or use that:

21 (1) Is not registered under section 8 of this 2024 Act.

22 (2) Does not bear a label that meets the requirements of section 8 of this 2024 Act, or
23 bears a label that does not precisely indicate the contents of the container or that may de-
24 ceive a consumer regarding the nature, composition, quantity, age or quality of the contents.

25 (3) Includes upon the packaging any untruthful or misleading statements, including but
26 not limited to, a health claim that is not supported by a consensus of publicly available sci-
27 entific evidence, including evidence from well-designed studies conducted in a manner that
28 is consistent with generally recognized scientific procedures and principles and for which
29 there is significant scientific agreement among experts qualified by scientific training and
30 experience to evaluate such a claim.

31 (4) Is attractive to minors, including by featuring:

32 (a) A cartoon;

33 (b) A design, brand or name that resembles a product that is not an industrial hemp
34 product that contains cannabinoids and is intended for human or animal consumption or use
35 and is of a type typically marketed to minors;

36 (c) A symbol or celebrity that is commonly used to market products to minors;

37 (d) An image of minors; or

38 (e) Words that refer to products that are commonly associated with minors or marketed
39 to minors.

40 (5) In the commission's discretion:

41 (a) Bears or contains any poisonous or deleterious substance, including but not limited
42 to tobacco or nicotine, in a quantity rendering the product injurious in a manner that may
43 pose a risk to human health, or that exceeds any established safe tolerance;

44 (b) Consists in whole or in part of any filthy, putrid or decomposed substance or is oth-
45 erwise unfit for human or animal consumption or use;

1 (c) Is processed, prepared, packaged or held under improper or insanitary conditions or
2 under conditions that increase the probability of contamination with excessive
3 microorganisms or physical contaminants or of cross-contamination;

4 (d) Is held or packaged in containers composed, in whole or in part, of any poisonous or
5 deleterious substance that renders the contents potentially injurious to health;

6 (e) Includes any substitute substance;

7 (f) Is damaged or inferior; or

8 (g) Includes any substance intended to increase the bulk or weight of the product, reduce
9 the quality or strength of the product or make the product appear better or of greater value.

10 (6) Does not meet relevant minimum standards provided by the laws of this state.

11 **SECTION 10.** Subject to ORS chapter 183, the Oregon Liquor and Cannabis Commission
12 may:

13 (1) If the commission has reasonable cause to believe that any quantity or lot of indus-
14 trial hemp product that contains cannabinoids and is intended for human or animal con-
15 sumption or use is sold, transferred or delivered in violation of section 8 or 9 of this 2024
16 Act or rules adopted pursuant to section 8 or 9 of this 2024 Act, issue and enforce an order
17 to prohibit the disposal, distribution or use in any manner of the quantity or lot. The person
18 to whom the order is issued shall immediately remove from locations readily visible and ac-
19 cessible to the public any product in packaged form that is subject to the order. The com-
20 mission may enforce the order until all actions against the order, including any contested
21 case, are resolved, and shall release from the order the product if the violation is cured.

22 (2) Seize any quantity or lot that the commission determines does not comply with sec-
23 tion 8 or 9 of this 2024 Act or rules adopted under section 8 or 9 of this 2024 Act.

24 **SECTION 11.** In addition to any other liability or penalty provided by law, the Oregon
25 Liquor and Cannabis Commission may impose a civil penalty, in the manner provided in ORS
26 183.745, not to exceed \$10,000 for each violation of a provision of section 8, 9 or 10 of this 2024
27 Act, a rule adopted pursuant to section 8, 9 or 10 of this 2024 Act or an order issued by the
28 commission under section 10 of this 2024 Act. Moneys collected under this section shall be
29 deposited in the General Fund and be available for general governmental purposes.

30 **SECTION 12.** ORS 571.309 is amended to read:

31 571.309. The Oregon Liquor and Cannabis Commission, in consultation with the State Depart-
32 ment of Agriculture, shall adopt rules to establish:

33 (1) The maximum concentration of tetrahydrocannabinol permitted in a single serving of an in-
34 dustrial hemp product;

35 (2) The maximum concentration of any other cannabinoid, adult use cannabinoid or artificially
36 derived cannabinoid that is permitted in a single serving of an industrial hemp product; [and]

37 (3) The number of servings that are permitted in a package of industrial hemp products[.]; and

38 (4) **Standards for approving industrial hemp products that contain artificially derived**
39 **cannabinoids and that are intended for sale at retail. The rules adopted under this subsection**
40 **may not be more restrictive than the rules applicable to the sale at retail of adult use**
41 **cannabis items.**

42 **SECTION 13.** ORS 571.312 is repealed.

43 **SECTION 14.** (1) Sections 8 to 11 of this 2024 Act, the amendments to ORS 571.309 by
44 section 12 of this 2024 Act and the repeal of ORS 571.312 by section 13 of this 2024 Act become
45 operative on January 1, 2026.

1 **(2) The Oregon Liquor and Cannabis Commission and the State Department of Agricul-**
2 **ture may take any action before the operative date specified in subsection (1) of this section**
3 **that is necessary to enable the commission and the department to exercise, on and after the**
4 **operative date specified in subsection (1) of this section, all of the duties, functions and**
5 **powers conferred on the commission and the department by sections 8 to 11 of this 2024 Act,**
6 **the amendments to ORS 571.309 by section 12 of this 2024 Act and the repeal of ORS 571.312**
7 **by section 13 of this 2024 Act.**

8 **MARIJUANA LICENSE CAPS AND MORATORIUM**

9
10
11 **SECTION 15. Section 16 of this 2024 Act is added to and made a part of ORS 475C.005 to**
12 **475C.525.**

13 **SECTION 16. (1) The Oregon Liquor and Cannabis Commission may not accept an appli-**
14 **cation for a new license under ORS 475C.065, 475C.085, 475C.093 or 475C.097 unless:**

15 **(a) For a production license under ORS 475C.065, there is not more than one active li-**
16 **cence per 7,500 residents in this state who are 21 years of age or older.**

17 **(b) For a processor license under ORS 475C.085, there is not more than one active license**
18 **per 12,500 residents in this state who are 21 years of age or older.**

19 **(c) For a wholesale license under ORS 475C.093, there is not more than one active license**
20 **per 12,500 residents in this state who are 21 years of age or older.**

21 **(d) For a retail license under ORS 475C.097, there is not more than one active license per**
22 **7,500 residents in this state who are 21 years of age or older.**

23 **(2) Subsection (1) of this section does not apply to:**

24 **(a) An application for renewal of a license described in subsection (1) of this section;**

25 **(b) An application for reissuance of a license described in subsection (1) of this section**
26 **necessitated by a change in the location or ownership of a production, processing, wholesale**
27 **or retail facility or premises;**

28 **(c) An application for a change in size of a mature marijuana plant grow canopy; or**

29 **(d) The sale or purchase of a license described in subsection (1) of this section issued**
30 **prior to the operative date specified in section 19 of this 2024 Act.**

31 **(3) The commission may adopt rules to carry out this section.**

32 **SECTION 17. Section 16 of this 2024 Act applies to applications received on or after Jan-**
33 **uary 1, 2025.**

34 **SECTION 18. ORS 475C.049 is amended to read:**

35 **475C.049. (1) Subject to section 16 of this 2024 Act,** the Oregon Liquor and Cannabis Com-
36 mission shall approve or deny an application to be licensed under ORS 475C.005 to 475C.525. Except
37 as provided in subsection (2) of this section, upon receiving an application under ORS 475C.033, the
38 commission may not delay processing, approving or denying the application or, if the application is
39 approved, issuing the license.

40 **(2) The commission may delay processing, approving or denying an application described in**
41 **subsection (1) of this section only if:**

42 **(a) The applicant, or a person named on the application, holds a license issued under ORS**
43 **475C.005 to 475C.525 and the commission has issued a notice proposing revocation of the license for**
44 **one or more violations of ORS 475C.005 to 475C.525 that are administrative in nature, as determined**
45 **by the commission, or a notice proposing suspension of the license pursuant to ORS 305.385;**

1 (b) The applicant is applying for a license at a premises where the applicant seeks to assume
 2 ownership of an existing business for which a license has been issued under ORS 475C.005 to
 3 475C.525 and the commission has issued a notice proposing revocation of the license for the existing
 4 business or a notice proposing suspension of the license for the existing business pursuant to ORS
 5 305.385; or

6 (c) The commission has received information from law enforcement that the applicant or a per-
 7 son named on the application is engaging, or has engaged, in the unregulated commerce of
 8 marijuana items or unlawful manufacture or delivery of controlled substances.

9 (3) The licenses described in ORS 475C.005 to 475C.525 must be issued by the commission, sub-
 10 ject to the provisions of ORS 475C.005 to 475C.525 and rules adopted under ORS 475C.005 to
 11 475C.525.

12 (4) The commission may not license a premises that does not have defined boundaries. A prem-
 13 ises does not need to be enclosed by a wall, fence or other structure, but the commission may re-
 14 quire a premises to be enclosed as a condition of issuing or renewing a license. The commission may
 15 not license a mobile premises.

16 **SECTION 19. (1) Section 16 of this 2024 Act and the amendments to ORS 475C.049 by**
 17 **section 18 of this 2024 Act become operative on January 1, 2025.**

18 **(2) The Oregon Liquor and Cannabis Commission may take any action before the opera-**
 19 **tive date specified in subsection (1) of this section that is necessary to enable the commission**
 20 **to exercise, on or after the operative date specified in subsection (1) of this section, all of**
 21 **the duties, functions and powers conferred on the commission by section 16 of this 2024 Act**
 22 **and the amendments to ORS 475C.049 by section 18 of this 2024 Act.**

23 **SECTION 20.** Section 2, chapter 108, Oregon Laws 2022, is amended to read:

24 **Sec. 2.** Section 1, chapter 108, Oregon Laws 2022, [of this 2022 Act] is repealed on [March 31,
 25 2024] **December 31, 2024.**

26
 27 **MINOR DECOY OPERATIONS**
 28

29 **SECTION 21.** Section 22 of this 2024 Act is added to and made a part of ORS 475C.005 to
 30 475C.525.

31 **SECTION 22.** (1)(a) The Oregon Liquor and Cannabis Commission shall by rule develop
 32 uniform standards for minor decoy operations used to investigate persons selling, trans-
 33 ferring or delivering industrial hemp products that contain cannabinoids and are intended for
 34 human or animal consumption or use in this state for violations of the laws of this state
 35 prohibiting sales of adult use cannabis items to minors.

36 (b) Uniform standards established under this section apply to all investigations conducted
 37 by the commission that use minor decoys. The commission shall encourage all law enforce-
 38 ment agencies in this state to use the uniform standards established under this section for
 39 minor decoy operations conducted by the law enforcement agencies.

40 (2) To the greatest extent possible, the uniform standards established by the commission
 41 under this section must:

42 (a) Be the same for minor decoy operations conducted by the commission and for minor
 43 decoy operations conducted by law enforcement agencies of this state; and

44 (b) Provide for coordination between the commission and law enforcement agencies of
 45 this state in conducting minor decoy operations.

1 (3) The failure of the commission or a law enforcement agency to follow the uniform
2 standards established under this section is not grounds for challenging a complaint, citation
3 or conviction for violation of the laws prohibiting the sale of adult use cannabis items to
4 minors.

5 (4) Notwithstanding any other provision of ORS 475C.005 to 475C.525 or any provision of
6 571.260 to 571.348, the commission may not consider the sale of an adult use cannabis item
7 to a minor that results from a minor decoy operation that is not conducted in compliance
8 with the uniform standards established under this section for the purpose of imposing a civil
9 penalty.

10 (5) The commission shall give notice of the uniform standards established under this
11 section to all law enforcement agencies of this state that conduct minor decoy operations.

12 **SECTION 23.** (1) Section 22 of this 2024 Act becomes operative on January 1, 2025.

13 (2) The Oregon Liquor and Cannabis Commission may take any action before the opera-
14 tive date specified in subsection (1) of this section that is necessary to enable the commission
15 to exercise, on and after the operative date specified in subsection (1) of this section, all of
16 the duties, functions and powers conferred on the commission by section 22 of this 2024 Act.

17
18 **TEMPORARY PERMITS**

19
20 **SECTION 24.** ORS 475C.269 is amended to read:

21 475C.269. (1) An individual who performs work for or on behalf of a licensee or a laboratory li-
22 censed under ORS 475C.548 must have a valid permit **or temporary permit** issued by the Oregon
23 Liquor and Cannabis Commission under ORS 475C.273 if the individual participates in:

24 (a) The delivery, possession, production, propagation, processing, sampling, securing, selling or
25 testing of marijuana items at the premises or laboratory for which the license has been issued;

26 (b) The recording of the delivery, possession, production, propagation, processing, sampling, se-
27 curing, selling or testing of marijuana items at the premises or laboratory for which the license has
28 been issued; or

29 (c) The verification of any document described in ORS 475C.217.

30 (2) A licensee or a laboratory licensed under ORS 475C.548 must verify that an individual has
31 a valid permit **or temporary permit** issued under ORS 475C.273 before allowing the individual to
32 perform, or continue to perform, any work described in subsection (1) of this section at the premises
33 or laboratory for which the license has been issued.

34 **SECTION 25.** ORS 475C.273 is amended to read:

35 475C.273. (1) The Oregon Liquor and Cannabis Commission shall issue permits to qualified ap-
36 plicants to perform work described in ORS 475C.269. The commission shall adopt rules establishing:

37 (a) The qualifications for performing work described in ORS 475C.269;

38 (b) The term of a permit issued under this section;

39 (c) Procedures for applying for and renewing a permit issued under this section; and

40 (d) Reasonable application, issuance and renewal fees for a permit issued under this section.

41 (2)(a) The commission may require an individual applying for a permit under this section to
42 successfully complete a course, made available by or through the commission, through which the
43 individual receives training on:

44 (A) Checking identification;

45 (B) Detecting intoxication;

1 (C) Handling marijuana items;

2 (D) If applicable, producing and propagating marijuana;

3 (E) If applicable, processing marijuana;

4 (F) The content of ORS 475C.005 to 475C.525 and rules adopted under ORS 475C.005 to 475C.525;

5 (G) If applicable, the content of ORS 475C.540 to 475C.586 and rules adopted under ORS
6 475C.540 to 475C.586; or

7 (H) Any matter deemed necessary by the commission to protect the public health and safety.

8 (b) The commission or other provider of a course may charge a reasonable fee for the course.

9 (c) The commission may not require an individual to successfully complete a course more than
10 once, except that:

11 (A) As part of a final order suspending a permit issued under this section, the commission may
12 require a permit holder to successfully complete the course as a condition of lifting the suspension;
13 and

14 (B) As part of a final order revoking a permit issued under this section, the commission shall
15 require an individual to successfully complete the course prior to applying for a new permit.

16 (3) The commission shall conduct a criminal records check under ORS 181A.195 on an individual
17 applying for a permit under this section.

18 (4) Subject to the applicable provisions of ORS chapter 183, the commission may suspend, revoke
19 or refuse to issue or renew a permit if the individual who is applying for or who holds the permit:

20 (a) Is convicted of a felony or is convicted of an offense under ORS 475C.005 to 475C.525, except
21 that the commission may not consider a conviction for an offense under ORS 475C.005 to 475C.525
22 if the date of the conviction is two or more years before the date of the application or renewal;

23 (b) Violates any provision of ORS 475C.005 to 475C.525 or 475C.540 to 475C.586 or any rule
24 adopted under ORS 475C.005 to 475C.525 or 475C.540 to 475C.586; or

25 (c) Makes a false statement to the commission.

26 (5) A permit issued under this section is a personal privilege and permits work described under
27 ORS 475C.269 only for the individual who holds the permit.

28 **(6)(a) The commission shall establish by rule a process to issue to an individual, upon**
29 **receipt of the individual's application for a permit described in subsection (1) of this section,**
30 **a temporary permit to perform work described in ORS 475C.269 until the issuance or denial**
31 **of a permit described in subsection (1) of this section.**

32 **(b) A temporary permit expires on the date on which the individual is issued or denied**
33 **a permit described in subsection (1) of this section.**

34 **(c) The commission may adopt rules to establish conditions for the issuance of a tempo-**
35 **rary permit under this subsection.**

36 **SECTION 26.** ORS 475C.117 is amended to read:

37 475C.117. (1) A marijuana retailer that holds a license issued under ORS 475C.097 may make
38 deliveries to a consumer pursuant to the consumer's bona fide order received by the marijuana
39 retailer. The delivery of marijuana items under this section may be made to a consumer:

40 (a) Within the same city or unincorporated area of the county in which the marijuana retailer
41 is located; or

42 (b) In a city or the unincorporated area of a county that is adjacent to the city or
43 unincorporated area of the county in which the marijuana retailer is located, provided the adjacent
44 city or county has adopted an ordinance allowing for the delivery of marijuana items by a marijuana
45 retailer located in an adjacent city or unincorporated area of a county.

1 (2) A marijuana retailer that makes deliveries under this section shall:

2 (a) Ensure that deliveries are made in an efficient and timely manner.

3 (b) Upon request, provide to the Oregon Liquor and Cannabis Commission information on each
4 vehicle used to make deliveries of marijuana items under this section, including the make, model,
5 year, color, vehicle identification number and registration plate number.

6 (c) Maintain an electronic or physical record of each bona fide order for the delivery of
7 marijuana items that the marijuana retailer fulfills.

8 (d) Report to the commission, and as necessary to the appropriate law enforcement agency, any
9 accidents or losses involving a delivery vehicle.

10 (3) An individual who makes deliveries on behalf of a marijuana retailer under this section:

11 (a) Shall:

12 (A) Hold a permit **or temporary permit** issued under ORS 475C.273 and carry the permit **or**
13 **temporary permit** while making deliveries under this section.

14 (B) Have a method of secure electronic communication in order to communicate with the
15 marijuana retailer for which the individual is making deliveries.

16 (C) Maintain an electronic or physical record of a bona fide order for a delivery of a marijuana
17 item.

18 (D) Present to the consumer a printed or electronic delivery manifest and obtain on the manifest
19 the consumer's written or electronic signature verifying completion of the delivery of marijuana
20 items.

21 (E) Except in the case of an emergency or unsafe road conditions or as necessary for fuel, rest
22 or vehicle repair, travel only between the premises of the marijuana retailer and the locations at
23 which the deliveries of marijuana items are made.

24 (b) May not:

25 (A) Leave a delivery vehicle that contains marijuana items unattended unless the delivery ve-
26 hicle is locked and equipped with an active vehicle alarm system.

27 (B) Carry more than \$10,000 worth of marijuana items in a delivery vehicle at any one time.

28 (C) Consume, or be under the influence of, marijuana while making deliveries under this section.

29 (4) A delivery vehicle must:

30 (a) While being used for making deliveries, be equipped with an active global positioning system
31 device that tracks the location of the delivery vehicle and enables the marijuana retailer for which
32 the deliveries are being made to identify the location of the delivery vehicle.

33 (b) Be equipped with a lockable container in a secured cargo area of the delivery vehicle that
34 is of a size appropriate to contain the marijuana items being delivered.

35 (c) Be free of any markings that may indicate that the delivery vehicle is used for the purpose
36 of delivering marijuana items.

37 (5) A delivery of marijuana items may not be made to a consumer who is located on land owned
38 or leased by the federal government.

39 (6) The commission may adopt rules to carry out the purposes of this section.

40 **SECTION 27.** ORS 475C.197 is amended to read:

41 475C.197. (1) Notwithstanding the lapse, suspension or revocation of a permit **or temporary**
42 **permit** issued under ORS 475C.273, the Oregon Liquor and Cannabis Commission may:

43 (a) Proceed with any investigation of, or any action or disciplinary proceeding against, the per-
44 son who held the permit **or temporary permit**; or

45 (b) Revise or render void an order suspending or revoking the permit **or temporary permit**.

1 (2) In cases involving the proposed denial of a permit **or temporary permit** issued under ORS
2 475C.273, the applicant for the permit **or temporary permit** may not withdraw the applicant's ap-
3 plication.

4 **SECTION 28.** ORS 475C.209 is amended to read:

5 475C.209. (1) In order to transport marijuana items, a licensee must create a manifest that con-
6 tains the following information:

7 (a) The name of the driver of the transport vehicle;

8 (b) Identifying information for the driver's permit **or temporary permit** issued under ORS
9 475C.273;

10 (c) The license plate number, make and model of the transport vehicle;

11 (d) The name of the licensee from which the marijuana or marijuana items are being trans-
12 ported;

13 (e) A detailed inventory of the marijuana and marijuana items being transported;

14 (f) The location of any overnight stop during transportation, and the estimated time of the
15 overnight stop; and

16 (g) The destination of the marijuana and marijuana items being transported.

17 (2) Except as provided in subsection (1)(f) of this section, a manifest created under this section
18 is not required to include transport route information.

19 (3) The transport driver shall carry in the transport vehicle a copy of the manifest.

20 **SECTION 29.** ORS 475C.265 is amended to read:

21 475C.265. (1) Subject to subsection (3) of this section, the Oregon Liquor and Cannabis Com-
22 mission may revoke, suspend or restrict a license issued under ORS 475C.005 to 475C.525 or
23 475C.548 or require a licensee or licensee representative to undergo training if the commission finds
24 or has reasonable ground to believe that the licensee or licensee representative:

25 (a) Has violated a provision of ORS 475C.005 to 475C.525 or 475C.540 to 475C.586 or a rule
26 adopted under ORS 475C.005 to 475C.525 or 475C.540 to 475C.586.

27 (b) Has diverted marijuana to the interstate market or an illicit market or has diverted re-
28 sources to a criminal enterprise.

29 (c) Has introduced into the marijuana industry regulated under ORS 475C.005 to 475C.525
30 cannabinoids or marijuana not produced or processed by a licensee and not tracked in the system
31 developed and maintained under ORS 475C.177.

32 (d) Has made any false representation or statement to the commission regarding compliance
33 with a provision of ORS 475C.005 to 475C.525 or 475C.540 to 475C.586 or a rule adopted under ORS
34 475C.005 to 475C.525 or 475C.540 to 475C.586 in order to induce or prevent action by the commis-
35 sion.

36 (e) Is in the habit of using alcoholic liquor, habit-forming drugs, marijuana or controlled sub-
37 stances to excess.

38 (f) Has misrepresented to a customer or the public any marijuana items sold by the licensee or
39 licensee representative.

40 (g) Since the issuance of the license, has been convicted of a felony, of violating any of the
41 marijuana laws of this state, general or local, or of any misdemeanor or violation of any municipal
42 ordinance committed on the premises for which the license has been issued.

43 (h) Has sold a marijuana item to a person under 21 years of age.

44 (2) In addition to the grounds listed in subsection (1) of this section, the commission may take
45 an action described in subsection (1) of this section if there is a history of a lack of institutional

1 control involving the premises for which a license has been issued under ORS 475C.005 to 475C.525
2 or 475C.548.

3 (3)(a) The commission may revoke a license under subsection (1)(a) of this section only when the
4 conduct poses a significant risk to public health or safety.

5 (b) The commission shall consider as mitigating factors to the conduct described in subsection
6 (1) of this section the following:

7 (A) Self-reporting by a licensee or applicant;

8 (B) A demonstration that, to the satisfaction of the commission, the conduct of the licensee or
9 applicant is not persistent or serious; and

10 (C) A demonstration that, to the satisfaction of the commission, the licensee's willingness and
11 ability to adequately control the premises for which a license has been issued under ORS 475C.005
12 to 475C.525 or 475C.548 and any inventory stored at the premises.

13 (4) The commission may suspend or restrict a license issued under ORS 475C.005 to 475C.525
14 or 475C.548 or require a licensee or licensee representative to undergo training if the commission
15 finds or has reasonable grounds to believe that the licensee or licensee representative has violated
16 a provision of ORS 475C.005 to 475C.525 or 475C.540 to 475C.586 or a rule adopted under ORS
17 475C.005 to 475C.525 or 475C.540 to 475C.586.

18 (5) The commission may suspend or revoke a permit **or temporary permit** issued under ORS
19 475C.273 to an individual rather than suspend or revoke a license issued under ORS 475C.005 to
20 475C.525 or 475C.548 if the commission determines that permit suspension or revocation is more
21 appropriate.

22 (6)(a) The commission may revoke a marijuana retailer license issued under ORS 475C.097 if the
23 licensee fails to:

24 (A) Pay the tax as required under ORS 475C.682 twice in any four consecutive quarters and the
25 Department of Revenue has issued to the licensee a distraint warrant under ORS 475C.688 for the
26 nonpayment of tax; or

27 (B) File a return as required under ORS 475C.682 twice in any four consecutive quarters and
28 the department has issued to the licensee a notice of determination and assessment under ORS
29 475C.688 for failure to file a return.

30 (b) The department's written notice to the commission that a licensee described under this sub-
31 section has failed to pay a tax or file a return twice in any four consecutive quarters, and that the
32 department has issued a distraint warrant or notice of determination and assessment, shall consti-
33 tute prima facie evidence of the licensee's failure to pay the tax or file a return.

34 **SECTION 30.** ORS 475C.742 is amended to read:

35 475C.742. A financial institution that provides financial services customarily provided by finan-
36 cial institutions pursuant to powers granted by ORS 717.200 to 717.320, 717.900 and 717.905, the
37 Bank Act or by ORS chapter 723 to a marijuana processing site registered under ORS 475C.815, a
38 medical marijuana dispensary registered under ORS 475C.833, a marijuana producer that holds a li-
39 cense under ORS 475C.065, a marijuana processor that holds a license under ORS 475C.085, a
40 marijuana wholesaler that holds a license under ORS 475C.093, a marijuana retailer that holds a
41 license under ORS 475C.097, a laboratory that holds a license under ORS 475C.548 or a person to
42 whom a permit **or temporary permit** has been issued under ORS 475C.273 is exempt from any
43 criminal law of this state an element of which may be proven by substantiating that a person pro-
44 vides financial services customarily provided by financial institutions pursuant to powers granted
45 by ORS 717.200 to 717.320, 717.900 and 717.905, the Bank Act or ORS chapter 723 to a person who

1 possesses, delivers or manufactures marijuana or marijuana derived products.

2 **SECTION 31.** ORS 475C.746 is amended to read:

3 475C.746. (1) Notwithstanding any law relating to the exemption of information from public dis-
4 closure under ORS 475C.005 to 475C.525 or 475C.540 to 475C.586, upon the request of a financial
5 institution, the Oregon Liquor and Cannabis Commission shall provide to the financial institution
6 the following information:

7 (a) Whether a person with whom the financial institution is doing business holds a license under
8 ORS 475C.065, 475C.085, 475C.093, 475C.097 or 475C.548 or a permit **or temporary permit** under
9 ORS 475C.273;

10 (b) The name of any other business or individual affiliated with the person;

11 (c) A copy of the application, and any supporting documentation submitted with the application,
12 for a license or a permit **or temporary permit** submitted by the person;

13 (d) If applicable, data relating to sales and the volume of product sold by the person;

14 (e) Whether the person is currently compliant with the provisions of ORS 475C.005 to 475C.525,
15 475C.540 to 475C.586 and 475C.600 to 475C.648 and rules adopted under ORS 475C.005 to 475C.525,
16 475C.540 to 475C.586 and 475C.600 to 475C.648;

17 (f) Any past or pending violation by the person of a provision of ORS 475C.005 to 475C.525,
18 475C.540 to 475C.586 or 475C.600 to 475C.648 or a rule adopted under ORS 475C.005 to 475C.525,
19 475C.540 to 475C.586 or 475C.600 to 475C.648; and

20 (g) Any penalty imposed upon the person for violating a provision of ORS 475C.005 to 475C.525,
21 475C.540 to 475C.586 or 475C.600 to 475C.648 or a rule adopted under ORS 475C.005 to 475C.525,
22 475C.540 to 475C.586 or 475C.600 to 475C.648.

23 (2) Upon receiving a request under subsection (1) of this section, the commission shall provide
24 the requesting financial institution with the requested information.

25 (3) The commission may charge a financial institution a reasonable fee to cover the adminis-
26 trative costs of providing information under this section.

27 **SECTION 32.** (1) **The amendments to ORS 475C.117, 475C.197, 475C.209, 475C.265, 475C.269,**
28 **475C.273, 475C.742 and 475C.746 by sections 24 to 31 of this 2024 Act become operative on**
29 **January 1, 2025.**

30 (2) **The Oregon Liquor and Cannabis Commission may take any action before the opera-**
31 **tive date specified in subsection (1) of this section that is necessary to enable the commission**
32 **to exercise, on and after the operative date specified in subsection (1) of this section, all of**
33 **the duties, functions and powers conferred on the commission by the amendments to ORS**
34 **475C.117, 475C.197, 475C.209, 475C.265, 475C.269, 475C.273, 475C.742 and 475C.746 by sections 24**
35 **to 31 of this 2024 Act.**

36
37 **CAPTIONS**

38
39 **SECTION 33.** **The unit captions used in this 2024 Act are provided only for the conven-**
40 **ience of the reader and do not become part of the statutory law of this state or express any**
41 **legislative intent in the enactment of this 2024 Act.**

42
43 **EFFECTIVE DATE**

44
45 **SECTION 34.** **This 2024 Act being necessary for the immediate preservation of the public**

1 **peace, health and safety, an emergency is declared to exist, and this 2024 Act takes effect**
2 **on its passage.**

3
